

IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANT(S): RONALD NASCO  
SERIAL No.: 10/634,189  
FILING DATE: 08/04/2003  
TITLE: FLORAL INTEGRATED COVER FOR TOILET TOOLS  
ATTY. DKT. No.: 3023.2.1CIP  
EXAMINER: CHARLES E. PHILLIPS  
ART UNIT: 3751

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 01/19/2005

By: Meera Rajaram  
Meera Rajaram

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**TRANSMITTAL LETTER**

SIR:

In response to the Office Action dated January 14, 2005, the applicant respectfully submits the election to a restriction requirement. Enclosed herewith are the following documents:

- Election to a restriction requirement
- Acknowledgment Postcard
- Certificate of Deposit
- Copy of Notice of Office Action dated January 14, 2005



3023.2.1CIP

Respectfully submitted,

Michael W. Starkweather,

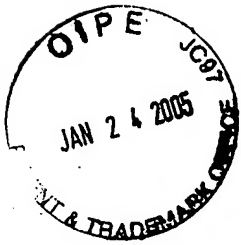
Reg. No.: 34,441

9035 South 1300East, Suite 200

Sandy, UT 84094

Tel: (801)-272-8368

January 19, 2005



**CERTIFICATE OF DEPOSIT UNDER 37 C.F.R §1.8**

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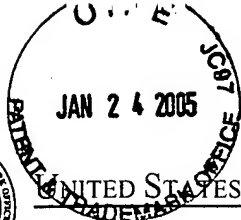
Respectfully submitted,

*Meera Rajaram*

Meera Rajaram

Asst. to Michael W. Starkweather

Transmitted: Election to a restriction requirement in response to Office Action dated January 14, 2005



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/634,189      | 08/04/2003  | Ronald Nasco         | 3023.2.6            | 7095             |

7590 01/14/2005

STARKWEATHER & ASSOCIATES  
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SANDY, UT 84094

EXAMINER

PHILLIPS, CHARLES E

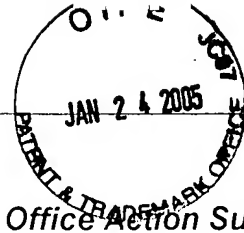
| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3751

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**DOCKETED**  
1/18/2005



# Office Action Summary

|                     |               |  |
|---------------------|---------------|--|
| Application No.     | Applicant(s)  |  |
| 10/634,189          | NASCO, RONALD |  |
| Examiner            | Art Unit      |  |
| Charles E. Phillips | 3751          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 10-21 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

This application contains claims directed to the following patentably distinct species of the claimed invention: Figs 1, 4A, 5, 6 and 7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.. Currently, claim 10 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.


Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Art Unit: 3751

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

The communication of 11/15/04 is non-responsive as it fails to discuss added claims 12-21, as required by rule 1.111; however, the added claims raise the issue of multiple inventions thereby involving the above requirement.

  
Charles E. Phillips  
Primary Examiner